

Date: December 14, 2000

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 USC 371**

International Application No.: PCT/NZ99/00084  
International Filing Date: June 14, 1999  
Priority Date Claimed: June 17, 1998 (NZ Patent Application No. 330710)  
Title of Invention: BIOACTIVE WHEY PROTEIN HYDROLYSATE  
Applicant(s) for DO/EO/US: Ralf-Christian Schlothauer  
Linda May Schollum  
Anne Maria Singh  
Julian Robert Reid

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. (X) This is a **FIRST** submission of items concerning a filing under 35 USC 371.
2. ( ) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
3. (X) This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Articles 22 and 39(1).
4. (X) A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. (X) A copy of the International Application as filed (35 USC 371(c)(2))
  - a) ( ) is transmitted herewith (required only if not transmitted by the International Bureau).
  - b) (X) has been transmitted by the International Bureau.
  - c) ( ) is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ( ) A translation of the International Application into English (35 USC 371(c)(2)).
7. (X) Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
  - a) ( ) are transmitted herewith (required only if not transmitted by the International Bureau).
  - b) ( ) have been transmitted by the International Bureau.
  - c) ( ) have not been made; however, the time limit for making such amendments has NOT expired.
  - d) (X) have not been made and will not be made.
8. ( ) A translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ( ) An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10. (X) A copy of the International Preliminary Examination Report with any annexes thereto, such as any amendments made under PCT Article 34.

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11. ☐ A translation of the annexes, such as any amendments made under PCT Article 34, to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).

Items 12. to 27. below concern other document(s) or information included:

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
13. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☒ Drawings in 3 pages
16. ☒ A power of attorney and/or address letter.
17. ☒ International Application as published.
18. ☐ Small Entity Statement.
19. ☒ PCT Form PCT/IPEA/408. (Written Opinion).
20. ☐ PCT Form PCT/IB/308.
21. ☒ PCT request form.
22. ☒ Other Items or information: Certificate of Mailing by Express Mail
23. ☒ A return prepaid postcard.
24. ☒ The following fees are submitted:

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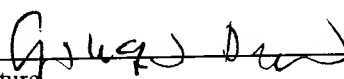
				FEES
BASIC FEE				\$860
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	31 - 20 =	11×	\$18	\$198
Independent Claims	2- 3 =	0×	\$80	\$0
Multiple dependent claims(s) (if applicable)			\$270	\$0
TOTAL OF ABOVE CALCULATIONS				\$1,058.00
Reduction by 1/2 for filing by small entity (if applicable). Verified Small Entity \$ statement must also be filed. (NOTE 37 CFR 1.9, 1.27, 1.28)				
TOTAL NATIONAL FEE				\$1,058.00
TOTAL FEES ENCLOSED				\$1,058.00
amount to be refunded:				\$
amount to be charged:				\$

25. (X) The fee for later submission of the signed oath or declaration set forth in 37 CFR 1.492(e) will be paid upon submission of the declaration.
26. (X) A check in the amount of \$1,058.00 to cover the above fees is enclosed.
27. (X) The Commissioner is hereby authorized to charge only those additional fees which may be required, now or in the future, to avoid abandonment of the application, or credit any overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

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14 DEC 2000

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Assistant Commissioner for Patents  
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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Attorney Docket No. : DAIRY64.001APC

Applicant(s) : Schlotauer et al.

For : BIOACTIVE WHEY PROTEIN  
HYDROLYSATE

Attorney : Ginger R. Dreger

"Express Mail"

Mailing Label No. : EL544356085US

Date of Deposit : December 14, 2000

I hereby certify that the accompanying Transmittal in Duplicate; a copy of the International Application as published; a copy of the International Preliminary Examination Report with any annexes thereto, 3 sheets of drawings; First Preliminary Amendment; PCT Form PCT/IPEA/408 (Written opinion); PCT Request form; Change of Address; Check for Filing Fee; Return Prepaid Postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Jason Wrinkle

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